

ZB# 76-3

Thomas Parisi

(no S-B-L given)

Application
Denied
4/12/76

Patricia
Razansky

GENERAL RECEIPT

2781

Town of New Windsor, N. Y.

April 20, 1976

Received of Tom Cat Lounge Inc. \$ 25.00

Twenty-five and 00/100 Dollars

For Variance Application Fee #176-3

DISTRIBUTION

FUND	CODE	AMOUNT
25.00 check #1763		

BY Charlotte Mancoske
Deputy

TITLE

9

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

76-3
(Number)

3/1/76.
1/12/76.
(Date)

I. Applicant information:

- (a) THOMAS PARIST - (TOMCAT LOUNGE)
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- ☐ Use variance
- ☒ Area variance
- ☐ Sign variance
- ☐ Special permit

✓
III. Property information:

- (a) C 265 Windsor Highway, New Windsor 165.7 by 200 ft. approx
(Zone) (Address) (M B L) (Lot size)
- (b) What other zones lie within 500 ft.? R-4 and PI
- (c) Is a pending sale or lease subject to ZBA approval of this application? no
- (d) When was property purchased by present owner? 1973
- (e) Has property been subdivided previously? - When? _____
- (f) Has property been subject of variance or special permit previously? no When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed?
Describe in detail _____

76-3
(Number)

3/1/76.
1/12/76.
(Date)

I. Applicant information:

- (a) THOMAS PARISI - (TOMCAT LOUNGE)
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

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- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? yes. If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. no
- _____
- _____



IV. Use variance:

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow _____

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 4.2, Table Blk. Regs. Column _____

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40,000</u>	_____	_____
Min. Lot Width <u>200</u> + _____	<u>166</u>	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

* Residential districts only

** Non-residential districts only

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



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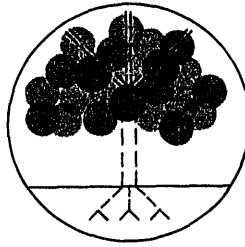
<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>40,000</u>	_____	_____
Min. Lot Width <u>200</u> + _____	<u>166</u>	_____
Reqd. Front Yard _____	_____	_____
Reqd. Side Yards <u>1</u>	<u>1</u>	<u>1</u>
Reqd. Rear Yard _____	_____	_____
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Development Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____

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Department of Planning

Peter Garrison, A I P., Commissioner
Edwin J Garling, A I P., Deputy Commissioner



124 Main Street
Goshen, New York 10924
(914) 294-5151

County of Orange

Louis V Mills, County Executive

April 6, 1976

Mr. Theodore Jargstorf, Chairman
New Windsor Zoning Board of Appeals
c/o Patricia Razansky, Secretary
Town Hall
Union Avenue
New Windsor, New York

Re: Variance - Parisi
Route 32

Dear Mr. Jargstorf:

Our office is in receipt of the above in accordance with the provisions of Section 239, 1 and m, Article 12-B of the General Municipal Law of the State of New York.

We hereby return the matter for final local determination.

Very truly yours,



Peter Garrison
Commissioner of Planning

PG:jh

In the Matter of the Application of

THOMAS PARISI for an Area Variance.

DECISION DENYING AN
AREA VARIANCE

#76-3

WHEREAS THOMAS PARISI, owner of the Tomcat Lounge, which is located at 265 Windsor Highway, New Windsor, N. Y. has made application for a variance from the provisions of the Zoning Local Law, Section 4.2, Table of Bulk Regulations, under application #76-3 of the New Windsor Zoning Board of Appeals, which property is located in a designed shopping zone ("C"); and

WHEREAS the applicant is seeking an area variance from the minimum lot width requirement of 200 feet, said variance request being in the approximate distance of 34 feet, there being 166 feet available for the lot which the applicant proposes to package; and

WHEREAS an Order to Remedy Violation has been issued against the property by the Zoning Inspector of the Town of New Windsor; and

WHEREAS the purpose of the variance request is to enable the applicant to subdivide off the lot for which the variance is requested from a larger parcel of land which the applicant presently owns; and

WHEREAS a public hearing on the application was held by the Zoning Board of Appeals at the Town Hall, New Windsor, New York on the 12th day of April, 1976 after due notice by publication in The Evening News and due notice to residents and businesses within 500 feet of the subject premises by certified mail; and

WHEREAS at said public hearing the petitioner was represented by himself; and

WHEREAS at the public hearing a number of residents appeared to object to the proposed area variance; and

WHEREAS the Orange County Department of Planning has stated in its staff recommendation: "We hereby return the matter for final local determination"; and

WHEREAS the Zoning Board of Appeals makes the following findings of fact in this matter:

(1) The lot which the applicant seeks to create adjoins a residential neighborhood;

(2) The applicant has not produced a contract of sale or lease agreement which indicates which use the substandard lot, if allowed to be created, would be put to and the Zoning Board of Appeals desires to maintain some control over the use of any substandard lot created, although the applicant did indicate at the public hearing that a proposed ice cream stand operation had inquired as to the availability of the property.

(3) The lot which the applicant would create is already being used is productive and the tax burden on the land is not therefore undue.

WHEREAS the Zoning Board of Appeals makes the following determinations of law in this matter:

(1) The land in question can yield a reasonable return if used in accordance with the purposes permitted by the Zoning Ordinance.

(2) The plight of the owner is not due to unique circumstances.

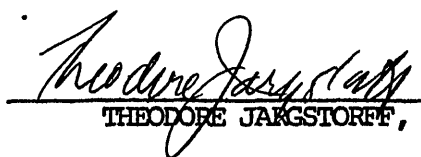
(3) The use sought to be authorized by the variance would alter the essential character of the locality which is residential in the immediate vicinity.

WHEREAS the Zoning Board of Appeals of the Town of New Windsor voted on the 12th day of April, 1976 to deny the applicant's request for a variance by a vote of 4 nays, 1 aye and 1 abstention.

NOW THEREFORE BE IT RESOLVED that the Zoning Board of Appeals adopts this resolution denying the use variance sought; and

BE IT FURTHER RESOLVED that a copy of this decision be forwarded to the applicant, Town Clerk and Town Planning Board.

Dated this _____ day of May, 1976.


THEODORE JARGSTORF, Chairman

PUBLIC NOTICE OF HEARING BEFORE
THE ZONING BOARD OF APPEALS

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the
TOWN OF NEW WINDSOR, New York will hold a public hearing pursuant
to Section 48-33A of the Zoning Ordinance on the following
proposition:

Appeal No. 3

Request of THOMAS PARISI

for a Variance ~~Special Use Permit~~ of the
regulations of the Zoning Local Law, to permit
insufficient lot area and lot width

being a Variance ~~Special Use Permit~~ of
Section 4.2 - Table of Bulk Regulations - Part II
for property situated at: No. 265 Windsor Highway,
New Windsor, Orange County, New York.

SAID HEARING will take place on the 12th day of April, 1976,
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y.
beginning at 8:15 o'clock P. M.

THEODORE JARGSTORFF,
Chairman



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

March 25, 1 976

Mr. Thomas Parisi
265 Windsor Highway
New Windsor, New York 12550

Dear Mr. Parisi:

According to my records, the attached list of property owners are within the five hundred (500) feet of the property in question.

The charge for this service is \$25.00. Please remit same to the Town Clerk, Town of New Windsor.

Very truly yours,

A handwritten signature in cursive script that reads 'Ellsworth E. Weyant'.

ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

EEW/pk
att.



1768

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Foti Florist Ent. Inc.
11 Coach Lane
Newburgh, New York 12550

Karpoff, Garrison H. & Bertha
8 Willow Lane
New Windsor, New York 12550

Mulno, Lester F. & Margaret E.
10 Willow Lane
New Windsor, New York 12550

Ostrander, Charles P.
& Hamilton, Florence
P.O. Box 775
Newburgh, New York 12550

Lane, Lawrence G. & Marjorie
18 Willow Lane
New Windsor, New York 12550

Blenderman, William E. & Helen
20 Willow Lane
New Windsor, New York 12550

Walther, Edward T. & Esther M.
4 Lannis Avenue
New Windsor, New York 12550

Fornal, Peter F.
6 Lannis Avenue
New Windsor, New York 12550

Tauriello, Nicholas P. & Marguerite
10 Lannis Avenue
New Windsor, New York 12550

Jackson, Joseph L. & Catherine M.
C/O Mrs. J.J. Harbrecht
15 Willow Lane
New Windsor, New York 12550

Farina, Juliana
13 Willow Lane
New Windsor, New York 12550

Costa, Mary
38-16 98th Street
Corona, New York 11368

Picciarelli, Marie J.
4902 11th Avenue
Brooklyn, New York 11219

Musco, Enrico & Mary
119 Myrtle Avenue
New Windsor, New York 12550

Henry, James M. & Gertrude
13 Willow Parkway
New Windsor, New York 12550

San Giacomo, William & Rina
38 Willow Parkway
New Windsor, New York 12550

Smith, George J. & Katherine
40 Willow Parkway
New Windsor, New York 12550

Emmanuele, Santo & Edvige
42 Willow Parkway
New Windsor, New York 12550

Bargisen, Carl Jr. & Mary A.
44 Willow Parkway
New Windsor, New York 12550

Pacione, Dominick & Antoinette
48 Willow Parkway
New Windsor, New York 12550

McMahon, Harold J. Jr. & Marilyn R.
9 Willow Lane
New Windsor, New York 12550



OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Chairman
Ellsworth E. Weyant
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Matthews, Marie B.
7 willow Lane
New Windsor, New York 12550

Guerriero, John
5 Willow Lane
New Windsor, New York 12550

Connors, Frank P. & Mary C.
3 Willow Lane
New Windsor, New York 12550

Lucera, Nicholas & Carmela
1 Willow Lane
New Windsor, New York 12550

Roberti, Joseph N. & Carole M.
27 Willow Parkway
New Windsor, New York 12550

Sculley, Joseph
7 Willow Parkway
New Windsor, New York 12550

Schiefer, Carl & Edna M.
4 Willow Parkway
New Windsor, New York 12550

Florence, William & Marjorie
33 Willow Parkway
New Windsor, New York 12550

Forte, Giovanni B. & Rose
31 Willow Parkway
New Windsor, New York 12550

DeGennaro, Luigi & Caroline
29 Willow Parkway
New Windsor, New York 12550

Smith, William & Christine
260 Windsor Highway
New Windsor, New York 12550

Cohen, Dina
266 Windsor Highway
New Windsor, New York 12550

Ciarimbali, Alfred J.
30 Nee Avenue
New Windsor, New York 12550

Lander, Francis A. & Clara
278 Windsor Highway
New Windsor, New York 12550

Osterhout, Edward & Gilbert
Box 251
Vails Gate, New York 12550

Notartomaso, Peter A. & Mary
279 Windsor Highway
New Windsor, New York 12550

Cavalari, Alfred F. & Agnes E.
RD#2 Bethlehem Road
New Windsor, New York 12550

Primavera, Lucy
287 Windsor Highway
New Windsor, New York 12550

Friedman, Alfred
172-17 Hillside Avenue
Jamaica, New York 11432

Respectfully submitted,
Ellsworth E. Weyant
ELLSWORTH E. WEYANT
Sole Assessor
Town of New Windsor

Daniel W. Brown, PE, FLS

N/F Downey

N/E Ostrander & Hamilton

2/12 Milano

N/A Karpoff

WILLOW LAKE

52079'E

Lot #1 40000 SF MIN Lot #2 40070 SF

Tavern

ESP. D. W. Sanitary

44

Stream 28 found in
5552 + N/W Downer
1/19

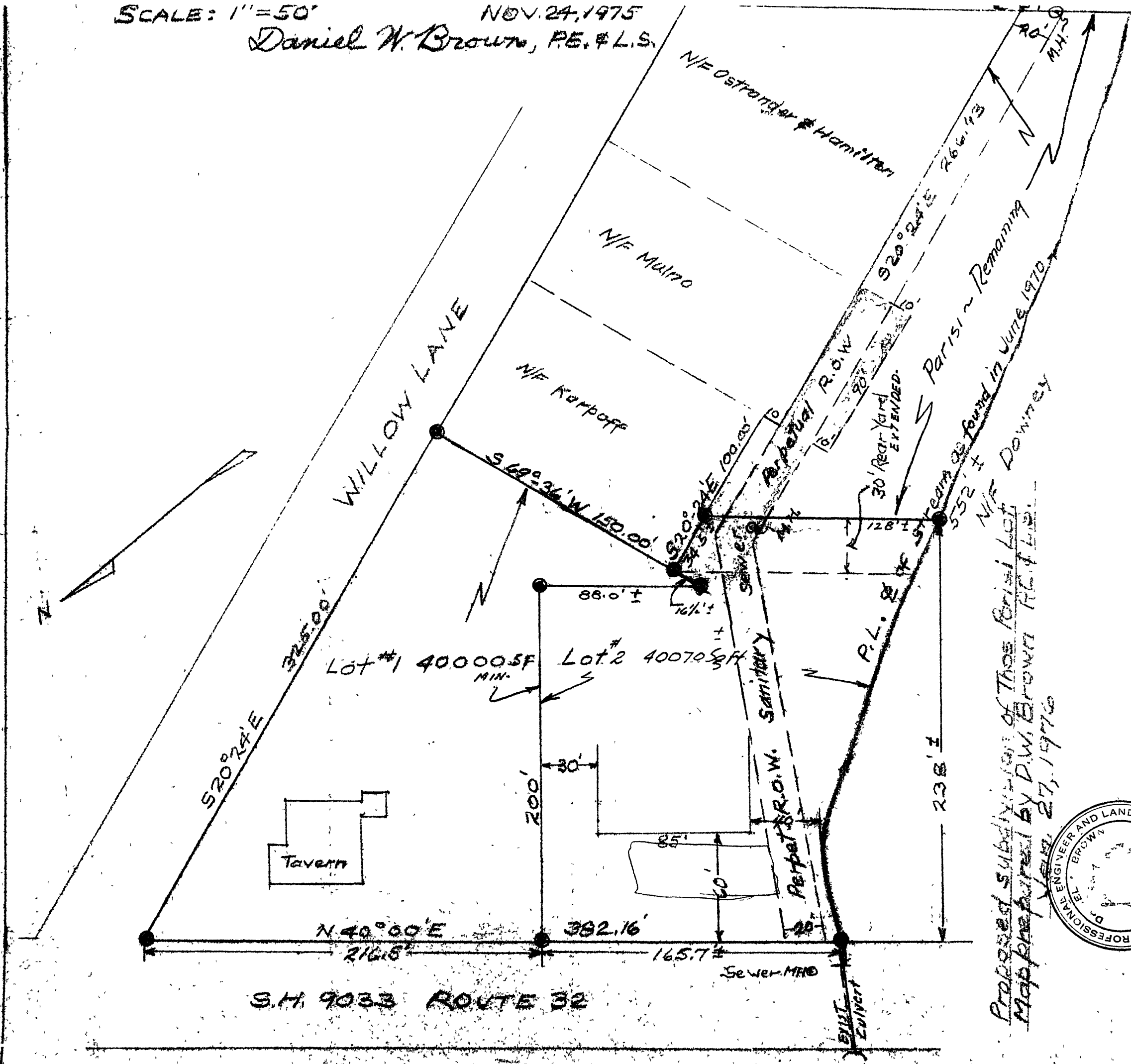
subdivision of Thos. Bristol Lot
owned by D.W. Brown. R.C. & L.S.
May 27, 1976

A circular professional seal for an Engineer and Land Surveyor. The outer ring contains the text "ENGINEER AND LAND SURVEYOR" at the top and "STATE OF CALIFORNIA" at the bottom. Inside the ring, the name "E. A. BROWN" is written in a larger font, and the number "10377" is at the bottom. The center of the seal features a faint, stylized map of the state of California.

SCALE: 1"=50'

NOV. 24, 1975

Daniel W. Brown, P.E. & L.S.



Proposed subdivision of Thos Parisi Lot.
Map prepared by D.W. Brown P.E. & L.S.
Aug. 27, 1976

